

THE LAW OFFICE OF NATHAN D. BORRIS, ESQ.

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UNITED STATES BANKRUPTCY COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In Re:
MAX BLAIR & CONNIE BLAIR,
Debtors
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NOTICE OF OPPORTUNITY TO OBJECT & REQUEST A HEARING

TO ALL CREDITORS AND PARTIES IN INTEREST:

The Debtors herein have filed a MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN, a copy of which is attached hereto.

Bankruptcy Local Rule 9014-1 of the United States Bankruptcy Court for the Northern District of California prescribes the procedures to be followed and that any objection to the requested relief, or a request for hearing on the matter, must be filed and served upon the initiating party within 21 days of mailing of the notice. A request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position. If there is not a timely objection to the

1 requested relief or a request for hearing, the Court may enter an order granting the relief by
2 default; and either (1) the initiating party will give at least 7 days written notice of hearing to
3 the objecting or requesting party, and to any trustee or committee appointed in the case. In the
4 event an objection or request for hearing is timely made; or (2) the tentative hearing date.
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7 **PLEASE TAKE NOTICE THAT:**

8
9 Debtors MAX BLAIR & CONNIE BLAIR, by and through their attorney of record,
10 Nathan D. Borris, Esq., hereby move the Court to modify their confirmed chapter 13 plan on
11 the following grounds:

12 1. Debtors filed this matter on May 21, 2012.
13 2. Debtors proposed a plan seeking payment to general unsecured creditors based on
14 their monthly disposable income, the plan payment totaling \$328.60 per month.
15
16 There are no secured debts being financed through the plan.
17 3. Recently, Debtor Connie Blair had a medical procedure performed that has
18 rendered her incapable of working, and as a result she is now receiving disability
19 payments in lieu of work from the Employee Development Department in the
20 amount of \$677.00 per week.
21 4. Thus, as a result of the changes in employment, the Debtors have found themselves
22 unable to continue their chapter 13 payments without undue hardship. An
23 amended Schedule I has been filed indicating the new income figures for the
24 Debtors, and an amended Schedule J indicates that their disposable monthly
25 income is currently \$158.42, even after trimming the budget with respect to other
26 necessities of life.
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1 5. A declaration in support of the recent changes in employment and circumstances
2 that led up to the change in employment is attached hereto.
3 6. Furthermore, Debtors seek to reduce the commitment term of their plan from five
4 years to three years, pursuant to 11 U.S.C. 1325(b)(4)(A), as their gross annual
5 income has fallen below the Median Family Income in California for their
6 applicable household size. An amended Chapter 13 Statement of Current Monthly
7 Income has been filed to reflect that the Debtors' gross annual income does in fact
8 fall below the State Median Family Income.

10
11 WHEREFORE, Debtors ask the Court to grant their motion to modify their confirmed
12 chapter 13 plan, implementing a new monthly plan payment of \$158.42, beginning with the
13 Debtors' July 2012 payment and continuing for the remaining term of the plan. Furthermore,
14 Debtors request that their commitment period be reduced from five years to three years. This
15 modification shall not retroactively to payments already made, and will not affect any other
16 provisions of Debtors' confirmed chapter 13 plan.
17

18
19 DATED: June 20, 2013
20

21 /s/ NATHAN D. BORRIS, ESQ.
22 *Attorney for Debtors*
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DECLARATION OF CONNIE BLAIR IN SUPPORT OF MOTION

The undersigned declares as follows:

I, CONNIE BLAIR, am a debtor in the above-captioned matter, and if called as
witnesses, could testify competently to the facts stated herein:

1. Our chapter 13 bankruptcy was filed on May 21, 2012.
2. At the time of filing, I was employed by Tryco Electric, Inc., where I had been employed for approximately eleven years.
3. Somewhat recently, I was diagnosed with presenting two tumors, one in my spine between the first and fourth thoracic vertebrae, and the other in my neck, which had the potential of spreading to my brain.
4. I underwent surgery to have the tumors removed, which has now rendered my paraplegic, unable to walk, and therefore unable to work. I am confined to my home and require twenty-four hour care from my husband, Max Blair.
5. As a result, I am on leave from my employer, and have begun collecting disability insurance from the Employee Development Department in the amount of \$677.00 per week, a significant decrease from my otherwise normal wages. A copy of a recent EDD statement confirming the new pay rate is attached hereto as Exhibit "A".
6. Therefore, on top of our other necessary expenses, it has become unfeasible to continue making payments to the chapter 13 trustee in the amount as indicated in our confirmed plan. I am seeking relief to reduce our monthly chapter 13 payment so we may remain in our reorganization and eventually receive a discharge once the plan concludes.

1 Dated: June 20, 2013
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/s/ CONNIE BLAIR

Joint Debtor

EXHIBIT "A"

--- PLEASE DISREGARD THE FORM ON THE BACK OF THIS STUB - DO NOT RETURN

KEEP THIS STATEMENT FOR YOUR RECORDS.

SSN: NAME: CONNIE I BLAIR

WEEKLY RATE: \$677.00 WEEKLY RATE IS FOR 7-DAYS

THIS IS YOUR NOTIFICATION OF AUTHORIZED BENEFIT PAYMENT(S) FOR THE PERIOD LISTED BELOW. EXCEPT FOR THE MANDATORY 7-DAY WAITING PERIOD, YOU WILL BE PAID FOR EVERY DAY YOU ARE ELIGIBLE FOR BENEFITS, INCLUDING WEEKENDS.

IF YOU ARE NOT PAID FOR ANY DAYS, YOU WILL BE NOTIFIED WHICH DAYS WERE NOT PAID AND WHY THEY WERE NOT PAID IN THE MESSAGE AREA BELOW. THE OFFICE PROCESSING YOUR CLAIM IS:

EMPLOYMENT DEVELOPMENT DEPARTMENT
PO BOX 1857
OAKLAND CA 94604-1857

(800) 480-3287

YOUR BENEFIT PAYMENT COVERS THE FOLLOWING PERIOD(S): 05/26/13 THROUGH 06/12/13.

NO. OF DAYS	BENEFIT AMT.	AMT. DEDUCTED	AMT. PAID
10	\$1740.85	\$0.00	\$1740.85

MESSAGE AREA

IMPORTANT NOTICE: IF YOU DO NOT UNDERSTAND ANY FORM SENT TO YOU BY THIS OFFICE, CONTACT US FOR ASSISTANCE AT THE TELEPHONE NUMBER SHOWN ABOVE.

DATE ISSUED: 06/14/13
CLAIM EFFECTIVE DATE: 04/15/13

EMPLOYMENT DEVELOPMENT DEPT 0005634
PO BOX 1857
OAKLAND CA 94604-1857

6287

06/13/13



PLEASE READ THE IMPORTANT MESSAGE AND THE REVERSE SIDE OF THIS FORM
YOUR PAYMENT IS BEING MADE VIA DEBIT CARD. IF YOU DO NOT ALREADY HAVE A CARD IT SHOULD ARRIVE IN NO MORE THAN 5 BUSINESS DAYS FROM THIS NOTICE. IF BEYOND THAT CONTACT EDD.

CONNIE I BLAIR
6893 STAGECOACH RD APT G
DUBLIN CA 94568-2141

PROOF SERVICE BY MAIL

I, Nathan D. Borris, certify that the following is true and correct:

I am employed in the City of Hayward, County of Alameda, California, am over the age of eighteen years, and am not a party to the within entitled cause.

My business address is 21550 Foothill Blvd, Hayward, CA 94541. On June 20, 2013, I served a MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN; DECLARATION IN SUPPORT THEREOF; NOTICE OF OPPORTUNITY OF HEARING THEREOF; PROOF OF SERVICE by causing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, to be placed in the United States Post Office mail box at Hayward, CA, addressed to the following parties:

Alameda County Sheriff
Civil/Bailiff Section
1225 Fallon Street, Room 104
Oakland, CA 94612

Capital One Bank
PO Box 60599
City of Industry, CA 91716-0599

American Express
Box 0003
Los Angeles, CA 90096

Chase
Cardmember Service
PO Box 94014
Palatine, IL 60094-4014

Ann Taylor
PO Box 59705
San Antonio, TX 78265

Chase Home Equity
PO Box 24785
Columbus, OH 43224-0785

AT&T Mobility
PO Box 515188
Los Angeles, CA 90051

Chevron
PO Box 530950
Atlanta, GA 30353-0950

Bank of America
PO Box 515504
Los Angeles, CA 90051-6804

Citi Cards
Processing Center
Des Moines, IA 50353-0001

Bank of America
PO Box 851001
Dallas, TX 75285-1001

Conoco-Phillips
Processing Center
Des Moines, IA 50368-8929

Capital One
c/o Legal Recovery Law Offices,
Inc.
5030 Camino De La Siesta #340
San Diego, CA 92108

Global Exchange Vacation Club
26691 Plaza Drive
Suite 100
Mission Viejo, CA 92691

1 JPMorgan Chase
2 c/o Enhanced Recovery LLC
3 8014 Bayberry Road
4 Jacksonville, FL 32256-7412

5
6 Macy's
7 PO Box 689195
8 Des Moines, IA 50368-9195

9
10 Main Street Endeavors
11 7575 W. Washington Avenue, Ste
12 #127-213
13 Las Vegas, NV 89128

14
15 Nordstrom Bank
16 PO Box 79137
17 Phoenix, AZ 85062-9137

18 I am readily familiar with the business practice at my place of business for collection
19 and processing of correspondence for delivery by mail. Correspondence so collected and
20 processed is deposited with the United States Postal Service on the same day in the ordinary
21 course of business. On the above date the said envelopes were collected for the United States
22 Postal Service following ordinary business practices.

23 I declare under penalty of perjury that the foregoing is true and correct, and that this
24 declaration was executed on June 20, 2013 at Hayward, CA.

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